

ONEIDA COUNTY PLANNING & ZONING
APRIL 19, 2006
2:30 P.M. –PUBLIC HEARING - COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Chairman, Bob Metropulos
Ted Cushing
Larry Greschner
Scott Holewinski

Department staff present: Karl Jennrich, Zoning Director
Steve Osterman, Planning Manager
Pete Wegner, Assistant Zoning Director
Mary Bartelt, Typist III

Other Department staff
Present: Larry R. Heath, Corporation Counsel

See Attached Guest List:

Call To Order:

Chairman Bob Metropulos called the meeting to order at 2:30 p.m., in Committee Room #2 of the Oneida County Courthouse, Rhineland, WI in accordance with the Wisconsin Open Meeting Law. For the record, Frank Greb was excused from the meeting.

Discussion/decision to approve the agenda

MOTION (Scott Holewinski/Larry Greschner) to approve the April 19th, 2006 Public Hearing agenda. All “aye” on voice vote. Motion carries.

Conditional Use Permit Application of Minocqua Brewing Company for an outdoor beer garden on property described as Payne’s 2nd Addition, Part Lot 1, and being further described as Part of Gov’t Lot 2 & Gov’t Lot 4, Section 14, T39N, R6E, in the Town of Minocqua, PIN# MI 3424.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhineland Daily News, published on April 4, 2006 and April 11, 2006 and the Lakeland Times the week of April 11, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 31, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter dated 4/19/2006 – Town of Minocqua – recommending approval
Contingent upon a six foot fence being installed and music to be prohibited and must meet all State and County requirements.

Mr. Kurt Bloss, Land Use Specialist, reviewed the CUP with the committee. The application is essentially for a rod iron fence for the beer garden on the East side of the existing building. This area will not be used for additional dining but will be a leisure type area for people to go out and have a beer while they are waiting for their meal. Again, no live music is intended to be placed as

part of this project. The formal entrance will still be the main entrance in front of the building to enter into the beer garden area. City water and sewer serve the site. And because it is in Minocqua and zoned 06 Business district, parking is not subject to the P & Z regulation. The Town of Minocqua had some concerns regarding the hours of operation and essentially complying with code requirements regarding ingress and egress to the fenced in area. This would be ADA compatible.

Staff recommends approval with the following conditions:

1. Nature and extent of the conditional use shall not change from that described in this application and approved in the CUP
2. Subject to Town of Minocqua conditions and concerns
3. The fence is to be located seventy-five feet from the OHWM and installed on the owners property within the existing blacktopped area
4. Subject to conforming to State Code, specifically ADA requirements regarding ingress and egress
5. No live music permitted outside on site

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Mr. Jerry Ingman, "I think this type of outdoor informal situation is appropriate for a tourism town like ours." "About the condition, no music on site, meaning outside, I assume."

Mr. Karl Jennrich, "Right."

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

No one came forward.

2:26 P.M. The public hearing was closed from any further public comment.

MOTION: (Ted Cushing/Larry Greschner) to approve the Conditional Use Permit Application of the Minocqua Brewing Company with concerns outlined by staff and by the Town of Minocqua, Item #3 on today's agenda. Roll Call Vote: Scott Holewinski "aye", Larry Greschner "aye", Ted Cushing "aye" and Chair Metropulos "aye". Motion carries.

Conditional Use Permit Application for McDonald's Corporation for a second drive thru window on property described as part of Gov't Lot 2 and the SW NE, Section 11, T39N, R6E, in the Town of Minocqua, PIN# MI 2176-14.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on April 4, 2006 and April 11, 2006 and the Lakeland Times the week of April 11, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 31, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter dated April 19, 2006 – Town of Minocqua – recommending approval

contingent upon meeting all State and County requirements.

Kurt Bloss, Land Use Specialist, stated that the property is zoned #06 Business. The application request is to extend the drive-up window booth area and to add a small addition, which will be relocated where the cash booth is and then a second loop for a menu order area. The former area had 60 parking area available and will be reduced to 48 parking areas.

Staff recommends approval with the following conditions:

1. Nature and extent of the conditional use shall not change from that described in this application and approved in the CUP
2. Any Town of Minocqua conditions and concerns
3. Proper permits to be obtained with Town, County and State prior to construction as needed
4. Oneida County Health Department inspection as part of the modifications of the building.

Chair Metropulos asked if anyone wished to speak for or against the Conditional Use Permit Application.

Chair Metropulos asked a second time if anyone wished to speak for or against the Conditional Use Permit Application.

No one came forward.

2:40 P.M. The public hearing was closed from any further public comment.

MOTION: (Larry Greschner/Ted Cushing) to approve the Conditional Use Permit Application for McDonald's Corporation for a second drive thru window, Item #4, with staff and Town of Minocqua concerns. Roll Call Vote: Scott Holewinski "aye", Larry Greschner "aye", Ted Cushing "aye" and Chair Metropulos "aye". Motion carries.

Rezone Petition #05-2006 of RAR Holdings, LLC, owner, to rezone lands from #07 Business Zoning District to #08 Manufacturing & Industrial Zoning District for property described as the NW NE and the SW NE, Section 8, T39N, R6E, in the Town of Minocqua, PIN# MI 2124 & MI 2125.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on April 4, 2006 and April 11, 2006 and the Lakeland Times the week of April 11, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 31, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Letter from the Town of Minocqua – recommending approval contingent upon meeting all State and County requirements.
2. Letter from Mr. Frederick A. Petters, dated April 17, 2006 – opposing the rezone. EXHIBIT #1
3. Letter from the Hill Lake Property Owners Association – opposing the rezone.
4. Letter from James S. Chesry – opposing the rezone.

Mr. Steve Osterman, Planning Manager, reviewed the CUP with the committee. The property is on Ranchwood Drive and Highway 70. Mr. Rynder owns 80 acres, which include the land North and East on the bend of Ranchwood Drive. The committee and Mr. Rhynder reviewed the map

presented by Mr. Osterman. The northern part of the property in question is for storage only. The 40 line is where it is zoned Business. Mr. Rhynder stated that recently he had another inquiry regarding a plastic molding plant. There is an interested buyer for 10 acres and the balance of the 70 acres would be some type of development. Mr. Rhynder stated that he is not looking for smoke stack industries but to bring some jobs to the area.

Mr. Osterman read the general standards into the record. EXHIBIT #2

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #34-2005.

Christopher Dobrinski – Real Estate Appraiser from the Minocqua area – “I am an adjoining property owner on Ranchwood Road.” “I feel that the South part of the 40 acre parcel would be an excellent spot for an Industrial Business Park because there are no houses around there and the land is flat and level.” “On Curtis Lake Road there are approximately 14 new houses and it is all residential around the perimeter of the 80 acres.” Asks not to rezone.

Joe Skinner – 8694 Ranchwood Road. Would like to see Ranchwood Road quiet and opposes the rezone.

Dan Lincoln – lives on Curtis Lake Drive. Mr. Lincoln is strongly opposed to the rezone based on air quality. He is also concerned with the water quality in Curtis Lake and Hill Lake because the property is sandwiched right between the two lakes.

Leonard LaFrenier – 8656 Ranchwood Road – He is not for or against the rezone but if it does go through he feels that the residents must be protected from traffic with a lot of trucking going in and out of the property.

Lynn LaFrenier – 8656 Ranchwood Road – Concerned with noise, traffic, equipment running and the property values.

Jenny Koska – Lives right across the street from the property in question. Opposes the rezone because it would diminish her property value.

Mark Heinske – Asks if anyone is concerned about the air and water. Is strongly opposed to the rezone and suggests that the committee do an onsite inspection of the land and surrounding area.

Bob Hoffman – Agrees with Mr. Heinske and believes that a lot more information needs to be gathered prior to the committee making a decision.

Sarah Heinske – Concerned about the Plastics Company and what else would be authorized to be built at the site.

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #34-2005.

Chair Metropulos asked a second time if anyone wished to speak for or against Rezone Petition #34-2005.

Mr. Robert Rhynder – “When the road (Ranchwood Road) was built, it was built for multi-purpose and all seasons.” “The way it is zoned right now, it could have just as much traffic.” “There is also a screened amount of trees planted along the road and the trees were planted five or six years ago to screen the noise off.” “There had not been any motorcycles or four wheelers driving along the site in the last couple of years.”

Mr. Scott Holewinski, "Steve, what is the difference between a manufacturing industry in Business 02?" "What can they put in there that is different between the two?"

Mr. Jennrich, "Business B2, district 7, your permitted uses, well, I'll just go to conditional uses." "Conditional uses are all the conditional uses in Business B1, any permitted use or administrative reviews in this district, which is located on property adjacent to a residential district, mall and multi-tenant buildings, hotels, motels, resorts, mobile home, manufacturing house trailer parks, light industry." "When you go to M/I, light industries." "M/I would allow any permitted use, ARP or conditional use District 1 Forestry accept temporary seasonal use cabins or cottages, any existing trade or industry, your arps are expansion to any existing trade or industry, cold storage warehouses in your conditional uses, all the conditional use of District 4 Residential/Farm accept mobile parks, manufactured home parks and house trailer parks and dwelling units of any kind with a year round or seasonal are not allowed. Any permitted or administrative review uses in the district which are located on property adjacent to residential district, any new trade or industry use not located adjacent to residential district, metallic mineral exploration would be allowed also."

Mr. Osterman, "The definition of light industry, because it is allowed as a conditional use permit in the business district already is defined as follows:

"Those industries that have very little or have no air, water or noise pollution, such as assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops and woodworking shops."

Mr. Greschner asks Mr. Rhynder how far the land, that he is proposing to rezone, is from Hill Lake.

Mr. Rhynder, "Probably 1,000 feet."

Mr. Greschner, "How far from Curtis Lake?"

Mr. Rhynder, "Farther."

The committee reviewed the map of the property again.

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #34-2005

Cathy Heinz – "We have a pond right next to our house and right next to that is the land that we are talking about." "The pond has not been mentioned at all."

3:00 P.M. The public hearing was closed from any further public comment.

Mr. Osterman, "So it would be estimating that 10-15 acres would be wetland maximum?"

More discussion took place.

Mr. Jennrich, "If you (the committee) make a decision to approve or deny, just take a look at the general standards." "It has been approved from the Town Board of Minocqua, but the Town Board has a land use plan which doesn't make this property as business." "And I do not know if they (Town Board of Minocqua) have a designation in their land use plan for more M/I or more industrial type use."

Mr. Rhynder, "No, they don't have that in their plan, because it was just redone two years ago."

MOTION: (Scott Holewinski/Ted Cushing) to postpone decision and to request the Town Board of Minocqua to respond one more time, with clarification of their land use plan and

how this property matches that plan and to see if they (Town Board) still agree with the classification. Roll Call Vote: Scott Holewinski “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Chair Metropulos “aye”. Motion carries.

Committee recessed – 3:27 p.m.

Committee reconvened – 3:37 p.m.

Rezone Petition #32-2005 of Squash Lake Christian Camp, Inc., and the Arthur G. Jaros Sr. and Dawn L. Jaros Charitable Trust, owners, to rezone lands from #02 Single Family Zoning District and #04 Residential and Farming Zoning District to #05 Recreational Zoning District for property described as part of the SW NW and part of Gov’t Lot 4, Section 24, T36N, R7E, in the Town of Woodboro, PIN# WB 357 & WB 357-5. Said lands are depicted on Oneida County Certified Survey Map V13 P3107 & P3107A, Document #611861.

Karl Jennrich, Zoning Director, read the Notice of Public Hearing into the record and offered proof of publication from the Rhinelander Daily News, published on April 4, 2006 and April 11, 2006 and the Lakeland Times the week of April 11, 2006. The Notice was posted on the Oneida County Courthouse Bulletin Board on March 31, 2006. Mr. Jennrich noted that the notice recipient list was part of the record and was available for review. The certified and first class mailing list was read into the record.

Mr. Jennrich read the following correspondence into the record:

1. Various correspondence from Richard Jaros Attorneys at Law – with Numerous legal arguments, which have been put forth in the documents
2. Letter from the Town of Woodboro – A signed copy of a resolution which was passed by the Town of Woodboro at its monthly meeting on March 14, 2006 - Denying the rezone petition because it does not comply with the Town of Woodboro land use plan.

Mr. Jennrich explained that there were numerous correspondences in the file and that a brief summary sheet was transposed as follows: EXHIBIT #3

Mr. Steve Osterman, Planning Manager, reviews a color- coded map with the committee regarding the property rezone request. This map shows Squash Lake situated in the Township of Woodboro and has Highway 8 running along the North side of the property. The Jaros’s own property on the West edge in between Highway 8 and Squash Lake. Mr. Jaros is asking for a rezone from Single Family and Residential Farming to a Recreational zoning district, which would allow the intended use. (The recreational camp)

Mr. Scott Holewinski, “Steve, is there any recreational zoning district in the Town of Woodboro right now?”

Mr. Osterman, “No, there is no existing recreational zoning district.”

Mr. Greschner, “In the entire township?”

Mr. Osterman, “That is correct.”

Mr. Jennrich, “The other correspondence which I forgot to read is that there is a letter dated January 25, 2006 from Larry Heath to Mr. Lawrence Wiesneske and a response back dated January 30, 2006 from Arthur Jaros, carbon copy Wiesneske.”

Mr. Jennrich shows the committee the Town of Woodboro Land Use Plan. Committee reviews.

Mr. Osterman, "We are in Section 24 and 80% or 90% of Squash Lake is designated on the land use plan as R1 residential, Alpine Apartments zoned Business and the portion of Crescent is all zoned single family." "This petition was received by the P & Z Department in mid December, 2005 and was forwarded on to the Town of Woodboro, Town Board, for their input prior to scheduling this meeting and then this meeting was scheduled."

Mr. Arthur George Jaros, Jr., "I am the president of Squash Lake Christian Camp, Inc., and one of the two petitioners." "Squash Lake Christian Camp, Inc. is a Wisconsin corporation, non-stock and non-membership." "The three directors are the three Jaros brothers, myself, my brother Randall, who is here today and our other brother Wes, who could not be present." "The three of us also serve as co-trustees of the other petitioner, which is our parents charitable trust, known as the Arthur G. Jaros, Sr. and Dawn L. Jaros, charitable trust." "We also have present our local counsel Mr. Larry Wiesneske and we also have present the executive director of Crescent Lake Bible Camp, Mr. Mike Jewell." "I will also be asking Mike to supplement our presentation, with the permission of the board, in that our proposed operation involves partnering with Crescent Lake Bible Camp in terms of providing staffing and program under our supervision." "By way of personal background I have a keen interest both in religious matters and in recreational matters." "I serve as one of five elected park board commissioners from my village in suburban Chicago and we have responsibility for fifty parks and many, many recreational programs and I am the treasurer of that district and am responsible for a ten million dollar per year budget including about six million dollars of tax revenue."

"On the religious front, I have been an elder of my church and I am a Christian Education Instructor." "I attended a Lutheran College, graduated first in my class and a practicing lawyer and the general counselor for both of the petitioners and we have Mr. Wiesneske here as a licensed Wisconsin attorney as our local counsel who is a great assistance to us."

"As it has been explained to you Mr. Osterman, we are in fact seeking a rezoning of a part of our family properties." "I understand that these are small topographic maps, but at least the board may be able to see this because our overall family holdings are a triangular consisting of around fifty-nine acres that abuts Highway 8. The South line runs true East and West, almost to the lake front, there are three homes cut out of the little corner of the map, the Lightermans, the Wittakers and the Gratoms." "Of the fifty-nine acres we are seeking rezoning approximately thirty-four acres." "Prior to our fathers death in April of 2004, he deeded the South part into the charitable trust which he created." "That thirty-four acres is denoted by the orange outline on the map." "The Northern part of the triangle remains in my mother's family trust for family use." "We are not seeking rezoning for this acreage." "Although, if there are no legal impediments, we would envision making the use of this completely natural and unimproved land available to the campers for hiking, nature trails, cross country skiing, and if allowed, a swimming area in this little bay (on the map), which is an ideal spot for swimming and it is recessed where it would be an out of the way spot for the campers." "So, we are not seeking any developments, we are not seeking to place any campgrounds on this triangle, but if there are no legal impediments, this would become functionally available to the campers, during the daytime only." "What we are seeking is rezoning of this thirty-four acres, in orange on the map." "The blue line on the map denotes the current district boundaries." "To the West of the blue line all the way to Highway 8, that is presently zoned District 4-Farming and we understand that allows us, subject to the new Woodboro's subdivision ordinance, to put up multi-family." "Right now we could put up multi-family quad housing on this part of our land and also on this part of our family land." (Mr. Jaros points to the map) "To the East of the blue line, which I think is a quarter section line is zoned District 2-Single Family/Residential." "So we are seeking that this entire tract, which is zoned by the two petitioners, be rezoned to District 5-Recreational solely for the purpose of allowing the three Jaros brothers to exercise our religious faith, Christian religion, in the form of a bible camp operation." "This is very important to us because bible camps are a critical mode of practicing Christianity." "It is a very important method of bringing new people into the Christian faith." "It is also an important way by which existing Christians are nurtured and are taught the scripture in a very attractive

environment.” “Obviously the camp environment is there to attract people.” “It’s a natural beauty and the recreational offerings and to combine them with the religious exercise.” “And so the Wisconsin State Legislature has favored bible camps by providing a real estate tax exemption for up to thirty acres.” “And in fact, as I have explained, my father transferred the whole thirty-four acres into the charitable trust, which he had set up, of course before he died.” “When we, when I as the counsel for the charitable trust did some research, I discovered that to be able to take advantage of the real estate tax exemption, it was necessary to have a Wisconsin non stat corporation establishment and we did that and therefore we split off most of the acreage, just under thirty acres and put that in the Wisconsin corporation, which is Squash Lake Christian Camp, and we left a small part, basically a triangular section in the charitable trust.” “This is a huge ravine.” You can see the topographic lines, the area that I have darkened in green, we call the “amphitheater.” “It is a natural ravine and it looks like a meteorite hit.” “But because it is so low, you can see the contour lines.” “It’s probably the least useable and that presents some interesting questions as to, if we secure zoning from the County and our project is allowed to proceed, if the septic field could be done in this low area because it is a less desirable part of our land.” “Now, the white on the map shows open field and at one time this was farmed for hay as was our North field, farmed by a member of the Johnson family, in more recent years. It has not been tilled and conifers have seeded themselves, so we have younger pine trees starting to take over for what had been open fields.” “Our plan for our bible camp is to restore these two fields as they were and to allow a playing field to be developed in this area, such as soccer, softball, volleyball and so forth.” “This part of our land, (points to the map’s light green shading) has been always forested.” “It is very rugged.” “I have drawn two pink lines and these are parallel ridges that are quite high and in between the two parallel ridges is a beautiful valley that we call “hidden valley.” “One of the reasons we requested that our father put this part of the land into charity to become a bible camp is because with a mix of fields for playing, fields for the children and the beautiful rugged environment, which is the most beautiful part of our land in our view, we desired to have this preserved in tact.” That the ridges, the valley, the forest be preserved essentially no development.” “Our idea is not even to allow the campers to drive vehicles to the lodge, which would be situated in the relatively flat area, you can see how the contour lines broaden out by the lakefront, but beyond the seventy-five foot setback.” “The idea is to build a lodge in this area in front of this ridge.” “We do not want to tear up the land with roads or parking lots.” “Our idea is to provide for parking along the entrance, close to Highway 8, in this area and to have, if this works out, a rail line with a single rail car act as a shuttle from the parking lot all the way to the lakefront lodge, winding its way through the rugged part of the property.” “We think that would be environmentally friendly.” “We also believe that it would provide a unique and memorable experience for the kids that would be coming through our camp. “Wow, to have to get to your lodge only by train or by a hiking trail.” “The distance from here to the lodge by the securitous root that would have to be followed in order to avoid the ruggedness is about a half mile.” “There is a company in Ohio, called Spurling, that actually manufactures a self propelled rail car that has controls on both ends of the car and seating for a variable number of people and it seems to be ideally suited for this application if we can obtain your permission, County Board’s permission, to go forward with our project.”

“As I have explained, it is our desire to exercise our religious faith in this manner.” “Jesus Christ at the end of his earthly ministry, after his resurrection, gave a great commission to his followers saying that they are charged to go into all the world and to spread the good news of the gospel and baptize people making them disciples.” “This is the source of the mission outreach of most branches of Christianity and it’s what’s driving my brothers and myself to do this.” “We would like to have a personal stake in this and ownership interest, a supervisory interest and so that is why we want to establish a new bible camp that is nondenominational and opened to all denominations.” “By way of background, this triangular parcel of fifty-nine acres, plus another one point two acres to the North where our family homes are, our family homes are actually on the North side of the larger bay and it is a detached parcel by one intervening property owner.” “Our grandparents, our paternal grandparents, George and Sylvia Jaros purchased all of this property back in late 1941 and early 1942.” “As they aged, the property was transferred to my parents,

Arthur Sr. and Dawn L. Jaros." "As we have indicated, my father passed away in April of 2004 and before he passed away he split off the South part, the North part is in my mother's family trust as I have indicated." "My mother was a devout Christian all of her life, she raised the three sons in the Christian faith which we have freely embraced and practice actively." "I've indicated that we are active in our churches, my brother Randy, is presently the Chairman of the Board of Elders at his church." "I have been an elder at my church and as I have indicated I have been active in teaching. "I also have had seminary training during the summers off from my law school education." "My father was not a devout Christian during most of his lifetime." "He had a quiet religious faith, it was not overtly Christian." "He would not have been receptive to a bible camp during most of his life, but on the day my mother died in January of 2001, my father had a religious experience and became receptive to Christianity and made a profession of Christian faith that night and again shortly there after." "My father for many years had been concerned with the rising property taxes that are unimproved land, the fifty-nine acres that we are experiencing." "This was a concern to him." "He was along with my mother, the owner and was paying these taxes." "He did not know what to do about it." "When he professed Christianity upon my mothers death, the three of us proposed to him a solution that would accommodate our heart desires to carry on Christian ministry and also secure some tax relief for part of our land as sort of a by product courtesy of the Wisconsin Legislature." "And so he (their father) blessed the idea and it was his decision to actually split the land and it was his deed to do that before he died." "But it was at our request and it was the request of his sons and it was our request to do this so that we could carry on our ministry and invest a lot of money in building the structure that it would take to carry on this bible camp and to fund the venture." "The benefit of the property taxes is strictly a secondary thing." "My father just didn't like paying property taxes and wanted to try to do something about it." "But in terms of why we are here, it is so that we, the three Jaros sons, can exercise our religious faith in this manner."

"Now the nature of the camp, let me address just what we have in mind." "First in terms of the physical plans." "We have in mind a nontraditional sort of structure." "Most bible camps that we've seen feature separate cottages for housing, separate cabins." "And typically a separate chapel and maybe a separate dining hall with kitchen, so you have multiple structures." "We spoke with some of our neighbors, including one of the objectors, early on and the concern was that they did not want us to clutter our land with multiple structures, and we agreed." "I had never desired to clutter our land with multiple structures." "My brothers and I have felt from the start that it would be best to use a single structure to house the indoor activities of the Christian camp." "So, we are, what we anticipate, and what we propose is a single structure lodge, no other structures, that would have the following components: classrooms for religious instruction, which Mr. Greg Harrold correctly mentioned as he was moderating the discussion before the special meeting with the Woodboro Town Board to reconsider the prior decision." "Mr. Harrold correctly indicated that our lodge would have sleeping accommodations, segregated by gender of course." "It is highly likely that it will have a commercial kitchen and dining hall." "One thing which wasn't mentioned last night is that of course it will have a chapel, a place for worship." "Another think that wasn't mentioned last night accept in response to someone in the audience, was that we are considering as an option, including a gymnasium, so on inclement days the children could play indoors and that apparently is a big need felt among current bible camps." "We don't know whether the area along the lake front could accommodate a structure that has all of those things." "We might have to eliminate the gymnasium, if made too large of a structure." "Because our homes are on the lake, I have been at Squash Lake as a seasonal resident all the years of my life, courtesy of my grandparents." "My grandparents owned a resort, built a resort after World War II, farther North, extending North of our property." "We had a resort called Jaros Bay Resort that went all the way to the North bend of the lake." "Many of these houses were, are the cabins that my grandparents built, but refurbished or some not refurbished." "There's one that has the gray shingles from when it was a resort cabin near our own houses." "We are very concerned that this project be done in an ascetically pleasing manner because my two brothers and myself, our wives and our children and now our children are getting married, our grandchildren will be having the benefit of this property." "We don't want our lake, the lake that we share with our residents disrupted by the

bible camp." "The Crescent Bible Camp has operated its camp operation in a manner very respectful of its neighbors and very respectful of the lake itself." "And we expect the same of our camp and we will see to it that that is the case at Squash Lake."

"Now, in addition to the lodge, as I have mentioned, the West part, which is fields, we would like to have for the kids to have their sports activities, like soccer, like softball, maybe a tennis court, I don't know, certainly volleyball." "And then there would be water activities that would be closely supervised and controlled." "I have already indicated that our preference is to have the swimming area in the little bay opposite the island because it is secluded and ideally we would have our one bible camp pier in that bay also." Again, if this is allowable." "If it is not allowable it can be on the five hundred and fifty-sixth foot of lake frontage that the camp does own." "This is an option that we're proposing." "So that's basically the idea for the physical end of it."

"In terms of the religious operation we have a particular theology, you know there are different strains of Christian theology." "We all agree on the basics, but there are differences on many of the details." "The statement of our theology is found in my parents charitable trust instrument." "It's not a comprehensive statement of the theology but it covers the big points." "At this point in time, we are in negotiations with Crescent Lake Bible Camp because on some minor points we have a slight diversion of theology, but on the big points we agree." "But because this will be our camp that we are providing with our funding, with our land, we want to make sure that what is taught at our camp is acceptable to us and it needs to be acceptable to Crescent Lake as our partner." "So we are working through some of these lesser theological issues right at the present time in anticipation and in the hope that Oneida County and the Town of Woodboro that the two governments that are the authorities over us will grant us zoning sufficient to allow us to carry out our bible camp." "We have invested a great deal of time and effort negotiating this agreement, I think Mike Jewell would agree." "There are distinctive benefits from a financial stand point for us because Crescent Lake Bible Camp, in Crescent township, is really relatively close to us and we would be able to share their equipment." "They have a mechanical building, a shop and so we would not have to build our own shop or equipment storage facility because their equipment can come over to us and service Squash Lake Christian Camp, so that's a definite benefit of our having the bible camp right at Squash Lake on our own property." "I'm going to ask Mike Jewel, in just a moment on how the operation is at Crescent Lake Bible Camp because it is going to look very similar at Squash Lake Christian Camp, but there are some unique additions to the program that we wish to make in the area of apologetics and in the area of civics." "We believe that there is specific Christian teaching on the responsibilities of Christians to civil government including governments like the one you serve on and make up." "There is a specific program called "generation Joshua" that we will seek to incorporate in the curriculum so that young people can be trained in their responsibility to civil government." "In deed, in the holy bible there are examples of the inner play of religious people with civil government especially in the book of Daniel." "We have two, just very briefly, we have two examples in the book of Daniel were there was an inner play." "You remember one where Shadrach, Meshach and Abednego were subjected to a governmental command to practice a certain religion." "That was a command decreed by the Babylonian King Nebuchadnezzar." "They defied the command because that was an establishment of state religion and they were thrown into the fiery furnaces and then God rescued them from that punishment." "It's my belief that we have the establishment clause to the first amendment of our constitution, perhaps in response to that kind of establishment of religion." "We're not here today about that, we're here today about free exercise of religion." "We seek to be able to use our property for the free exercise of religion." "There was another example in Daniel where Daniel sought to pray to his God, which is our God, and the King at that time, whom I misnamed last night, Darius the Meed was the King, he issued a command of government forbidding prayer." "Daniel wrote that command because he felt it more important to serve God then obey the command of government that had transgressed its proper bounds." "He was thrown into the lions den and God rescued him from the fate of death at the claws and jaws of the lions." "So these are the kinds of inner plays that there are between faith and government and we would seek to have instruction in these matters."

"Now the other thing about the physical plant of the lodge is how our proposal would compare to the development that would be allowed if we simply took advantage of the current zoning." "So I have sent a letter dated **March 9, 2006 to the Town Board** and I'm not sure whether you (Planning & Zoning Committee) have received a copy of my letter to the Woodboro Town Board dated March 9, but I do wish to go through this because the impacts, the relative impacts are something, I'm sure, that you will be looking at." "And at page two of the letter, I go through what I understand to be presently allowable under the current zoning." "And I say this, quote, "As we understand it, present zoning and the Woodboro town's new subdivision ordinance appears to allow by our computations for the following on the approximately thirty-four acres sought to be rezoned by the petitioners are:

- a. five lake front single family homes each lot being twenty thousand square feet and having a hundred foot minimum width, at least three immediately adjacent "keyhole" single family homes with right of lake access with each lot being five acres under this Woodboro town, the subdivision ordinance.

"There's a definition in your County Zoning Ordinance that restricts, greatly restricts "keyhole" development, but it appears to allow one row of homes behind the lakefront row." "So if we are reading this correctly on our property if it were subdivided we could have eight homes with lakefront access and we could also have by my calculation two quad housing units, each on three acre parcels, having three hundred foot frontage on US Highway 8, we could have one additional quad housing unit upon the existing triangular exception parcel, which would not require subdivision." "And we could have an additional quad housing unit on a new five acre interior parcel that would not have the three hundred frontage on US Highway 8, but would have five hundred frontage on a new private road as required by the new Woodboro subdivision ordinance." "Therefore, under present zoning and under the town's brand new land division ordinance it appears to us that eight single family, all year round homes, are allowed with lake access and a total of twenty-four housing units, those eight homes plus four quad housing structures can be accommodated on the thirty-four acres that we are seeking rezoning for." "In addition, in terms of lake front impact, the five single family home sites are required to only have ten foot side yards, as I read the County ordinance, meaning that only one hundred feet of the five hundred and fifty-six feet of lake frontage is unbuildable as presently zoned." "This means that you could have five luxury homes with widths totally four hundred and fifty-six feet of the total of five-hundred and fifty-six of lake frontage." "In addition, each such home as we read the county ordinance, is allowed to have a viewing area of thirty feet for a total of a hundred and fifty feet of viewing area out of the total of five-hundred and fifty-six feet of shoreline."

Chair Metropulos, "I hate to cut you off, and I apologize, this is not relevant for the rezoning of the property."

Mr. Jaros, "OK, well it's hard for me to know what you are looking for so I was trying to cover all the bases."

Chair Metropulos, "You've been very informative and that we appreciate." Chair Metropulos asks Mr. Jennrich if he has any suggestions as to where to go now."

Mr. Karl Jennrich, Zoning Director, "Again, to look at the general standards of the zoning."

Mr. Scott Holewinski, "A lot of this that Mr. Jaros is proposing, is for conditional use."

Mr. Larry Greschner, "Right."

Chair Metropulos, "Right and this is a rezone."

Mr. Jaros, "All right, let me shift gears to something that I do think is in your standards, and that has to do with whether our request is consistent with the land use plan of the township." "I think that is something that is in your standards." "The letter that was read with the negative recommendation by the Town Board-----."

Mr. Larry Heath, Corporation Counsel, "I guess one thing, are you offering this letter of March 9th as part of your proposal?"

Mr. Jaros, "Yes."

Mr. Heath, "So you will provide the committee with that?"

Mr. Jaros, "Yes." "I would like to address the subdivision standards if I might?"

Mr. Heath, "They will."

Mr. Jaros, "May I address the consistency with the Woodboro Land Use plan, because that is one of the ordinances of standards?"

Mr. Heath, "Yes."

Mr. Jaros, "OK, Thank you." "I went through the big laminated plan which you have here on the table." "The general philosophy of that plan is to "encourage growth in a fashion that protects and preserves the natural beauty and integrity of the Town's environment." "As explained in various submissions to Woodboro township a bible camp will preserve the natural beauty of the thirty-four acres and the five hundred and fifty-six feet of lake shore in superior fashion to that which would be the case under permitted subdivision." "Under permitted subdivision it would be less consistent with the objectives of the land use plan than a bible camp." "The land use plan is said to respect "values about family community and respect for environment" (that's right out of the plan). "Bible camps are a prime method of building family values and are an important part of the community." "In addition, given our camp development concept, our bible cap will respect the environment to a far greater degree than if residential subdivision and development were to occur under the present zoning and subdivision ordinances." "Therefore, our request and our submission is consistent with the adopted land use plan of Woodboro Township." "In addition, Vol. 1.1 of the plan is to promote the health, safety and general welfare of town residents." "A bible camp, which is subject to health and safety regulation by the State of Wisconsin far beyond the regulation that the State makes the private residences satisfies this objective." "Therefore our submission is consistent with the Woodboro land use plan." "We've talked about preventing destruction of elements of character like wooded areas, which the land use plan talks about," "Under single family subdivision and development the rugged wooded areas would undergo significant removal and destruction in order to bring in roadways and provide for parking." "As a bible camp, the rugged wooded areas would be largely preserved." "Therefore, our submission is consistent with the Woodboro land use plan." "Under policy 2.2b of the Woodboro land use plan the Town Board is suppose to provide "recreational opportunities" yet there appears to be no recreational zoning district or the broader general use district, which includes recreational district uses within Woodboro township creating a recreational district allowed by the County's zoning ordinance and per our request is precisely an appropriate tool to provide recreational opportunities." "Therefore, our submission is consistent with the Woodboro land use plan." "Vol. 3.1 of the same plan provides for preservation and protection of shorelands." "As we have explained in submissions to Woodboro and as we have tried to explain here today, our bible camp will provide for this in superior fashion than under subdivision and development into single family residences." "Therefore, our submission is consistent with the Woodboro land use plan."

"Policies 3.2a and 4.2b of the plan provide that the town should encourage low density single family residential development for its lakefront properties." "Permitting one bible camp within the

town of Woodboro is not contrary to this policy at all.” “This policy does not call for prohibiting all other uses including recreational, it merely calls for encouraging of low density single family residential development, which we support.” “In fact, and as explained in our previous submission, bible camp use of thirty-four acres and five hundred and fifty-six feet of lake frontage will be a lower density use than if these lands were subdivided and developed as allowed under current zoning and subdivision ordinances.” “Therefore, our submission is consistent with the Woodboro land use plan.”

“Policy 3.2d of the laminated plan states that the town should support existing shoreline clearing regulations.” “As noted in our previous submissions to the town of Woodboro, shoreland clearing, in other words the providing of viewing areas, as we understand it.” “Of the camps five hundred and fifty-six feet of lake frontage will be far less expensive as a bible camp than if the land were developed into five lakefront homes.” “Therefore, our submission is consistent with the Woodboro land use plan.”

“Policy 3.2f of the laminated plan, states that the town should encourage larger lot development where appropriate, this is very important.” “Here the bible camp will preserve the thirty-four acres as a single tract with a single structure, that’s the maximum you could do in terms of encouraging larger lot development as opposed to smaller lot development.” “Why should the objectors be asking the government to now discourage retaining this as a single tract in favor of subdividing it as allowed, into smaller parcels?”

“Next, Policy 3.2g of the plan seeks to discourage potentially greater lake usage than would reasonably be expected through single family residential riparian ownership access.” “As noted in our submissions, such single family development of the five hundred and sixty feet of lake frontage allows for access, we understand, of at least eight single family homes, each with its own pier and multiple watercraft.” “As at Crescent Lake Bible Camp, our bible camp at Squash Lake will have only one, not eight ski boats, we will have no jet skis, no wave runners for camper use.” “In addition, campers will be allowed access to only a limited portion of the lake as of Crescent Lake and on restricted days and at restricted times.” “Therefore, the bible camp will make lesser not greater use of Squash Lake compared to that which would occur if the property were subdivided and developed.”

“Vol. 4.1 of the laminated plan is to “provide a diversity of housing opportunities.” “Permitting Wisconsin residents to experience Squash Lake in a lodge setting on a temporary, that is weekly or weekend basis, which is the nature of a bible camp, provides that very diversity of housing opportunities compared to only single family residences.” “Therefore our submission is consistent with the Woodboro land use plan.”

“Issue 5 of the plan is concerned with adverse impact from commercial and industrial development.” “In addition, the survey that the town took indicates that a majority of those who responded, opposed attracting industry, commercial or retail development to Woodboro township.” “We agree, a bible camp is a not for profit charitable activity, it is neither commercial nor industrial nor retail in nature.” “It is no more commercial, industrial or retail than a church or a parochial school.” “Therefore, our submission is consistent with the Woodboro land use plan.”

“Policy 5.2a of the plan encourages architecture consistent with materials and traditions of the Northwood’s including the use of wood, native stone and other natural materials.” “This is precisely our intention for the camp’s lodge.” “The dining hall structure at Crescent Lake Bible Camp is a fine example of Northwood’s architecture.” “What type of structure is more consistent with Northwood’s flavor than a lodge made of logs and stone.” “Therefore, our submission is consistent with the Woodboro land use plan.”

“Two thirds of the Woodboro Township’s survey respondents favored development of passive trails.” “Our bible camp will foster that objective.” “Subdivision and development of our thirty-four

acres into single family and quad housing units does not, therefore our submission is consistent with the Woodboro land use plan.”

“Eighty-two percent of respondents favored limited development in some areas to protect lakeshores.” “Our bible camp develops far less lakeshore then in the five hundred and fifty-six feet were subdivided and developed into five luxury lakefront homes as permitted.” “Therefore, our submission is consistent with the Woodboro land use plan.”

“Eighty-one percent of all respondents are said to have favored allowing only residential development on lakes, however, it is not at all clear to us because we do not have the survey question before use to whether the question fairly posed the possibility of whether small portions of Squash Lake’s lakefront should be zoned recreational to permit bible or other similar non-commercial camps.” “It is our belief that no conclusion can legitimately be drawn from a survey if it did not fairly propose that question.” “Numerous Squash Lake homeowners support our bible camp.” “There was a petition signed by residents of Oneida County that you may have seen and we have appended to our petition letters of at least two Squash Lake property owners who were in favor of our camp idea and even if all of the residents were opposed to our camp idea we believe that we have a constitutionally protected right to exercise our religion on our family land, which has been in our family since 1942, that ownership which predates the application of the zoning which took away our family’s right to exercise our religion on our lands in this manner.”

“Recently Congress in 2000, enacted a new law called ARLUPA, the religious land use act and it also deals with institutionalized persons.” “But the land use part, we understand is how Congress is seeking to enforce the first amendment right to free exercise of religion.” “We believe we have a Federal constitutional right to have the zoning changed to accommodate us for three different reasons.” “And this is very important.”

1. “Recently the city of New Berlin had a similar but not the same situation. There a Christian Church went ahead and bought land in a residential district knowing that a church could not be built in that residential district. They went right ahead and bought the land knowing that they had to get a zoning change.” “The city of New Berlin denied that zoning change, the church sued in Federal Court, the trial court in Milwaukee said, “City of New Berlin was within its rights to deny the demand of the church for a change in zoning to allow a church to be built.” “The church appealed to the United States Court of Appeals for the Seventh Circuits, which sits in Chicago, ILL.” “A law school professor of mine, Richard Posner, wrote the opinion that reversed the trial court in Milwaukee and said the case is over and the church wins without a trial and that the city of New Berlin officials violated the Federal law in refusing to grant the zoning change to permit the church to be built in a residential only district.”

“Now in our case, we haven’t gone our of our way to confront the government, we haven’t bought land to build a bible camp in an area we know that is not permitted.” “This is has been our land since 1942, so ours is a stronger case then the city of New Berlin case.” “The Federal Law doesn’t just protect churches or synagogues, it protects any religious exercise.” “And as I have indicated, a bible camp is a very important way in which Christians exercise their faith and that is why the Wisconsin Legislature has favored bible camps with a property tax exemption in this fate.” “And if a bible camp cannot be placed in the jurisdiction of Woodboro Township, which has its own elected board, which collects property taxes, where can a bible camp be placed?” “Why should a bible camp be completely prohibited from Woodboro Township?” “And that brings us to one part of the Federal Law which provides as follows: (reading from 2000 and CC of Title 42, sub. B3, which is entitled, “exclusions and limits.” “No government shall impose or implement a land use regulation that totally excludes religious assemblies from a jurisdiction or that unreasonably limits religious assemblies, institutions or structures within a jurisdiction.” “The jurisdiction here is Woodboro Township.”

Mr. Larry Heath, "No the jurisdiction is Oneida County."

Mr. Jaros, "I beg your pardon." "We are here to rezone property in Woodboro Township which is a jurisdiction, it has its own elected government, it has its own right to collect -----."

Mr. Heath, "Never the less, this committee is the Oneida County committee."

Mr. Jaros, "I understand, but to rezone Woodboro Township land requires the consent of Woodboro Township."

Mr. Heath, "No, it doesn't."

Mr. Jaros, "They have a veto, as it was explained to me by Mr. Osterman and as I read the State statute, if the County Board approves the change after a disapproval by the Woodboro Town Board, then the final County action can, as I read the statute, be vetoed by the Woodboro Town Board." "And I'm happy to discuss that with you if you disagree counsel."

Mr. Heath, "Well, in that sequence, they may, but that is not before us today and this is the zoning committee of the county."

Mr. Jaros, "I understand."

Mr. Heath, "Not the jurisdiction of Woodboro."

Mr. Jaros, "I understand that, well I understand that, but the County establishes the zoning for the jurisdiction of Woodboro and that is my sole point."

"Now, so we believe that under the Federal statute that complete exclusion of bible camps from Woodboro Township contravenes the Federal Law."

2. "It is the case as Mr. Osterman has pointed out that the Peninsula View Resort is zoned business, that's in Crescent Township." "It's actually directly opposite where our bible camp property is situated." "There are over nine lots, not just the Alpine, but there are over nine lots owned by two different sets of families zoned business in Woodboro Township." "Now it was explained to us last night, by Counsel, Mr. Harrold, for Woodboro, that the reason that the Woodboro lots were zoned business was because at the time the zoning ordinance came in those were existing business uses." "And so, it was deemed appropriate to retain business zoning for those nine plus lots, actually nine plus a fraction of a lot, as I read what's available on the web." "Is that correct Mr. Osterman?"

Mr. Osterman, "Yes."

"I think that includes what single family cabins that use to known as Woodboro Resorts, I think that is owned by the Wambo family and then it also has the Alpine multi-family rental structure and some other Alpine related structures under common ownership that are for profit rental activities."

"Now, here's the point that I want to make." "It was certainly possible to zone all of that single family." "It was not necessary to give that business zoning to allow those existing business uses to remain." "I call your attention to Section 9.50 of your own zoning ordinance which creates an exception for pre-existing uses so that if there was business use at the time the ordinance, the zoning ordinance took affect, all of those could have been zoned single family." "There pre-existing business use still would have been allowed under Section 9.50." "But new business uses, additional business uses would not have been allowed, but the County, perhaps with the

cooperation or request of the town, that the County sought fit to zone that business, which means it wasn't limited to existing business uses." "Now it's open, you're allowing four profit business uses on Squash Lake."

"Now the Federal statute says, this is a different section, 2000 CCb1 & 2, it says no government shall impose or implement a land use regulation in a manner that treats a religious assembly unless an equal terms with a non-religious assembly or institution and no government shall impose or implement a land use regulation that discriminates against any assembly or institution--."

Mr. Heath, "Mr. Jaros, you're making legal arguments now, correct?"

Mr. Jaros, "Yes, I thought we were in a legal proceeding."

Mr. Heath, "Well, you are in a public hearing and I guess there is some connection to a legal proceeding in that it is a legal aspect of our government here, but these are legal arguments that you've prepared and you've already submitted to the Zoning Department, have you not?"

Mr. Jaros, "Not these, because this just became, we just became aware of the business zoning ---see we thought that Alpine had been converted to condominiums and that it was single family, separate units."

Mr. Heath, "Well, but you are reading from a written text."

Mr. Jaros, "No, I prepared notes for today and I'm reading the Federal statute."

Mr. Heath, "All right." "If you could try to speed it up because we have other people who may think that they -----."

Mr. Larry Greschner, "You've taken an hour and fifteen minutes."

Mr. Jaros, "I understand, and I appreciate you hearing us out because this is a hearing, this is our chance to be heard in support of our petition." "And we support the right of the objectors to speak as well and we would hope that they would have ample time."

Mr. Jaros, "Now the final, so that was the second prong of the Federal statute." "The third and final prong of the Federal statute is the one that the New Berlin case was actually decided upon." "Under 2000 CCa, the government may not use zoning to place a substantial burden upon us unless its enforcement of a compelling governmental interest and is the least restrictive means of furthering that interest." "We would be very burdened if we were not allowed to carry out our religion this property." "We would have to try and find replacement property of a like nature which would be very difficult, given the ideal nature of this land for this application." "We would have transaction costs, delayed costs and we would not be able to partner with Crescent Lake Bible Camp, which is a very favorable arrangement for us in terms of having existing staff available to run our programs immediately." "So to deny us the use of this land would place a terrible burden upon us."

"I'm going to omit a whole part, which is the history of this proceeding, I will submit that in writing to respect your request." "Let me address very quickly resident objections." "One of the concerns they had was, what would happen if our camp failed, if this zoning were changed couldn't other uses come in?" "Well the answer is basically, other permitted uses without a conditional use permit is very restrictive." "But to address that concern we did record a restrictive covenant which we are happy to work through with your counsel to make sure that if we cease to be a bible camp that other uses, other than what is already allowed, couldn't be taken advantage of." "The idea here is not to open up the zoning, the idea here is simply to come before you to get what we need

permission to run a bible camp." "We have addressed the resident objection letters that were sent to the Woodboro Town Board, the Town Board furnished those to us." "We sent a very detailed response letter to every objectors letter." "Our letter of response was dated, February 10, we would like to make sure that is in the record here." "In addition, we have not seen the letters that you (Planning & Zoning) have received and we would like fair opportunity to address those objections." "We don't even know what those letters say except to the extent they mirror what was submitted to the Woodboro Town Board." "So before you take a vote on this, we would appreciate the chance to respond to whatever was submitted to you (P & Z) without any copies to us." "That completes my own presentation and I would like to ask Mike Jewell, very briefly, to explain the operation of -----."

Mr. Larry Greschner, "Mr. Chairman, Crescent Lake is nowhere on our agenda today." "I object to this."

Chair Metropolis, "Yes, and I think-----."

Mr. Jaros, "We'll respect that, that's fine."

Chair Metropolis, "I think there has been enough time and I apologize and I hope you understand."

Mr. Jaros, "I would ask my brother Randy if he has anything to ad."

Mr. Randy Jaros, "I'll wait until after the residents have -----."

Mr. Heath, "Well, no, you should put in what you want to put in now and ah----."

Chair Metropolis, "It would have to be brief."

Mr. Randy Jaros, "I'll make it brief, my brother's thorough, he's a lawyer, he's a very good lawyer and I'll be much briefer." "We heard a number of objections from our neighbors and they basically became into some of these categories." "I'll try to summarize as quickly as I can."

Mr. Heath, "I'm just suggesting that if you in fact want to be able to respond after the objectors, fine, but so far this committee has not heard any objectors speak today."

Mr. Randy Jaros, "Yes, that's why I'm going to do that at the end."

Mr. Heath, "Well, all right."

Mr. Larry Greschner, "Excuse me, wouldn't the characteristics of the lodge come under a conditional use permit?"

Mr. Steve Osterman, "Yes."

Mr. Randy Jaros, "I'm trying provide some information for the committee as to what occurred over the past couple months." "It might be helpful in trying to summarize."

1. Ascetics, noise level that would be generated by the campers
2. Crime, trespassing concerns
3. Provision issues
4. Environmental issues
5. Effect on property values
6. Benefit to the local people in Woodboro Township
7. Highway safety issues

8. Preference of the neighbors to a single family homes

"Now there are two other issues that have come up that are probably most important." "We try to address all those to the satisfaction of working with our neighbors trying to address the concerns." "We held an informational meeting." "There are two other issues that are probably the ones that we have most trouble with."

1. We have a Christian camp here, now it's not necessarily been verbalized but There is some indication that some people are opposed to the idea of a Christian camp. "That directly impinges on what my brother was saying regarding the free exercise of religion."

Mr. Larry Heath, "Did you say it's been, it has not been verbalized?"

Mr. Randy Jaros, "There has been some mild innuendo, but nothing directly to us."

Mr. Heath, "So we don't know that it is a real-----."

Mr. Randy Jaros, "I'm listening to the extent that it is a concern, that is something that we feel very strongly about the free exercise of religion."

Mr. Heath, "And you brother brought that up."

Mr. Randy Jaros, "He did." "And the last one is the fact that there would be the issue of the rezoning situation, what would happen if our property ceases." "My brother mentioned that as well." "I just would like to add here that we don't have a lot of control over that, obviously we're subject to what Oneida County and Woodboro Township have to offer us." "But we did affect this restricted covenant, primarily to try to address the residence concerns that if the rezoning were granted that it wouldn't become something that could be used in future years by somebody else for different use purposes." "So, we are more than happy to try and address that through restrictive covenant or some other means."

Mr. Heath, "And your brother brought that up as well."

Mr. Randy Jaros, "I just wanted to say that is very clear that we don't have control over that." "Woodboro Township doesn't state that it is within their purview but certainly at the County level that is."

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Scott Holewinski, "Mr. Heath, can I ask people, as they stand up, are they against the religious camp in the Town of Woodboro or are they against the rezone when they get done?" "Or is that, would that be too far out of wack to ask?" "This is a rezone petition, not conditional use."

Mr. Heath, "No, I wouldn't ask that we know that we cannot discriminate."

Mr. Greschner, "We've gone everywhere, but to rezone." "We've gone to religious route, we've gone to conditional use permit route, which should have had any bearing on this public hearing." "Am I correct?" "It's a rezone, correct?"

Mr. Osterman, "I agree."

Mr. Greschner, "Thank you."

Mr. Heath, "So, at the County committee level we cannot consider even if a person said they were opposing for religious reasons."

Mr. Holewinski, "But we've sat here for a whole hour listening to the whole story." "It really wasn't about the reason, it was more on what they are going to do with it later on." "The rezone can let anything that is allowed in that come in, it's not guaranteed that the bible camp is going to go into that, correct?"

Mr. Heath, "Correct."

Mr. Greschner, "There is not conditional use permit in front of us for a bible camp, correct."

Mr. Oysterman, "Not on the table."

Mr. Greschner, "So what we've been listening to for an hour and fifteen minutes, about fifteen minutes of that had to do with the rezone, the rest had to do with conditional use on this public hearing today."

Mr. Heath, "That's the record that they have made."

Mr. Greschner, "OK."

Mr. Heath, "OK, you're opening it up to-----."

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Gerald E. Sheaban – 3120 Oneida Lake Road, Harshaw, WI, Town of Woodboro – "I have been to several of the meetings but not all of them at the Town Board." "I don't believe the issue has ever been brought up by the Planning Committee of the Town of Woodboro opposing any type of religious situation." "It never has." "The issue that I still feel should be addressed is the one that is before the County Board is that we don't feel that there should be a zoning change." "And that was the decision of the Planning Committee and the Town Board not based on any structures, not based on anything else, but they did not want to open up this situation to other like situations in the Town of Woodboro."

Dale Smith – 2621 Oak Lane Drive – Squash Lake – "Two areas I'd like to, it sounded great if we assume everything that was said is what it is." "I'd like to go the opposite view of representing basically the whole, because the Haddock family owned a whole bay there next to Jaros and I'm basically would tell you that everybody is in agreement according to our letter." "I disagree with the fact the Jaros's property is ideally suited to a camp."

1. The proposed camp is too close to residential owners.
2. They're trying to build a lodge, like the proposed lodge is 200 feet from the nearest home
3. The lodge is to hold 100 to 275 students at a time
4. The number of proposed campers is too large for the amount of space available and one lodge to house everything would be enormous
5. The camp is located in a very high watercraft area, an enormous growth of water traffic
6. Highway traffic access would be a constant safety issue
7. Impact of the environment
8. Noise environment and water pollution issues
9. Decrease of real estate values
10. Future expansion
11. Location on the lake

12. ARUPALA – Federal Law of 2000– “We’ve been told that if this ever went to a law suit, we would automatically lose because this Federal Law totally protects what they are proposing.” “That is not exactly true.” “This is a very controversial law, that’s true.” “Contrary from what we have heard from the Jaros’s brothers, there have been many cases where churches and religious organizations have seen under this law and lost.” “This includes cases in the 7th, 9th and 10th. Federal Circuit Court of Appeals as well as lesser courts.” “That is true.” “Many problems that the people feel that when a case reaches the US Supreme Court, it will be found unconstitutional.” “I have a whole clipboard full of case – Federal Judge rules part of church land use unconstitutional.” “This was a case in California.” “In fact, it goes on to say that this case marks the first time that this law, the basis for dozens of land use cease currently in the courts across the nation has been struck down by a Federal Judge.” “Another guy who teaches law in New York stated “The Congress went beyond their power and -----

Mr. Heath, “Excuse me, if you have the names of the, either the cases or the individuals, you should provide that.”

Mr. Smith, “I can do that, I have a whole list of them.”

Mr. Heath, “All right.”

Mr. Greschner, “So, Larry, he is going to place that into the record?”

Mr. Heath, “Yes.” “Mr. Smith indicated that he would provide this list for the record and I will provide you (Mr. Arthur Jaros) with copies.”

Virginia Paddock Amerena – “My family has owned land since the 1930’s.” “My children and myself own a forty acre stretch of land directly adjacent to the Jaros property.” “This land is half field and half forestry.” “This has become a haven for wildlife, it’s a quiet, secluded, serene area and it’s just a beautiful place to be.” “If this camp goes in, it’s going to have an adverse affect on the character of this land.” “This land is directly adjacent to the camp and there is no way that our land can continue as it is with all the interference from the campground.” “There’s going to car, truck traffic just bringing in supplies plus all the activities that are going to go on so it’s going to have an adverse affect on our land.” “Also, I own property on the lake itself and there is no doubt about the impact that this is going to have on our lake.” “Our water is down now on the lake and there are less areas for the boats to travel.”

Mr. Holewinski, “Larry, what she said would be for a conditional use, correct?”

Mr. Heath, “Yes.”

Mr. Holewinski, “So if people could shorten it up to for or against and a reason for a rezone, but not the conditional uses, that could come later on.”

Mr. Heath, “I would urge the record be made that people have the opportunity to address what was brought up in the petitioner’s presentation.”

Mr. Holewinski, “All right.”

Nancy Schroeder – 2645 Oak Lane Drive – “We live on the lake just next to the three parcels that are closest to the camp and I just wanted to address----.” “I guess I agree with everything that Dale Smith and Virginia said, but I just want to add a comment about a less intensive use.” “The Jaros’s have claimed that one lodge facility is a less intensive use but that is only when you are considering structure.” “When you are considering the human population, it’s a much more

intensive use because if we could go with twenty-eight single family homes or multi homes, we're looking at maybe one hundred and twenty people, maybe one hundred fifty max but otherwise, we heard last night up to two hundred and seventy-five campers per week and that is going to create an enormous environmental pressure on five hundred and seventy-six feet of frontage." "Again, compared to Crescent Lake, which they are modeling their camp after Crescent Lake, according to their website has one hundred acres and thirty seven hundred feet of frontage and to me this area is too small for the use that they are proposing."

Sharon Sparling – Squash Lake – "This seems unfair of what the Jaros family is asking." "People have bought land and built on land with the understanding that this is single/residential area." "Personally, I would much prefer to see five lakefront homes on that property then one large camp." "Another thing, they're saying what they want for now, but although this is a non-profit business that they are suggesting, it is nonetheless a business." "And a business either gets bigger or it folds up, it doesn't stay the same."

John R. Young – District 11, Crescent, County Board Supervisor – "I live on Long Lake which is next to Squash Lake, so I'm getting all my constituents that are living on Squash Lake telling me that they are against this bible camp." "Also, Larry, you didn't want to bring in Crescent Bible Camp, but I have to give you that I'm getting some people on Crescent Lake that are concerned because the Crescent Lake Bible Camp is going to eliminate their children and that it is going to be an adult camp all year round." "The adults bring watercraft." "The people are worried about what is going to happen to the lake."

Mr. Karl Jennrich, "Just a point of clarification, are they against the bible camp or just against the recreational use of the property?"

Mr. Young, "Of which bible camp?"

Chair Metropulos, "Of the rezone at hand."

Mr. Young, "They're against the rezone."

Craig Zarley – 2871 Crestview Drive – "I'm opposed to the zoning change." "Rezoning is serious business." "When you take single-family/residential and you change it to recreational, it changes the whole nature of the parcel of property on the lakefront." "According to the County Zoning and Shoreland Protection Ordinance, land classified recreational includes hotels, motels, resorts, mobile home parks, multiple family dwellings and that rezone change, if you change the zoning, it stays with the land." "The Jaros's at some point could decide that they no longer want their camp and all of these uses would be permitted." "Also if the land is sold, any subsequent owner could use these uses and that's not compatible with the Woodboro Land Use Plan and it's not compatible with the nature of Squash Lake and it's too great a risk to rezone this property."

Michael Barnes – Town of Woodboro Supervisor – "One clarification that I would like to make when we enacted our land use plan is that when we did it the Alpine area, the Alpine apartments, that Mr. Jaros referred to along Highway 8, was already zoned in our township." "The town board decided to leave it zoned as Business." "The Town of Woodboro received a copy of the recorded covenant, hopefully you received copies of this-----."

Committee, "No."

Mr. Barnes, "Then I will rephrase my question, because we received this covenant it states in there that the lodge would stay, it isn't clear to me, the lodge would revert to something, a quad unit, a four family unit." "My question is then, would this covenant change the zoning to multi-family or would it stay recreational?" "Which would in turn allow other uses."

Stephanie Boismenu – year round resident of Squash Lake – Town of Crescent - “I agree with Mr. Zarley that it is wrong to allow the zoning to be changed.” “If you look at the map that was presented earlier, you would see that this rezoning would affect not just Squash Lake and Crescent Lake, but also Washburn Lake, Perch Lake, Hancock Lake, Oneida Lake, Garland Lake because all the other people would want to follow suit and be able to allow that same rezoning for maybe what they want to do.”

Beverly Schmidt – Town of Woodboro Clerk – “We are not against the Christian camp.” “We are however, against the change in zoning.”

Atty. Greg Harrold – Town of Woodboro Representative – “I want to clarify one point of letter from the Town of Woodboro.” “Subsequent to a meeting when that letter was adopted, the Board decided that they would reconsider the decision that was made in that letter and they held a hearing on that in consideration last night (April 18, 2006).” “The meeting went on for three hours and it was stopped and the Board wanted, the Supervisors are here and they wanted to here the evidence as presented here today.” “Number one, the position of the Town of Woodboro is not the certified petition, the Town has the ability if they adopt a certified resolution opposing a rezoning petition and they file it with the County Clerk within ten days on or before or within ten days after the onset of the initial public hearing, which is now, today.” “That would have the affect of requiring the Planning Commission to change the petition as written.” “It could not be passed as written and submit it to the County Board.” “I wanted to make it clear as the Town Board made it clear in their letter that this is not that type of no resolution.” “It is simply a response to the letter from the County asking whether or not the Town would recommend it or not.” “I disagree with what Mr. Jaros said, I don’t think that the statute requires the Town to adopt this type of resolution for this committee to proceed to work on it.” “And I will tell that I think the Town is probably going to meet again to finalize, if they want to change their decision or not and they will certainly inform you (the committee) of that fact.”

Mr. Ted Cushing, “The decision last night was no decision?”

Mr. Harrold, “No, the decision last night was to adjourn for reconsideration and the reason why the reconsideration was done was in direct response to case law and decisions and it was felt that, frankly I feel that the way that you are talking about approaching this is the way you always approach it, the rezoning.” “But I think that the impact of this law almost requires you to go a little further and consider what’s going in there because-----.” “I’m certainly going to let your counsel advise you (committee) on that but the law is applied as in the New Berlin case.” “Essentially, the applicant has to first of all make a presentation showing that there is a substantial burden and that is their obligation.” “And then once they have done that, then the zoning, the governmental body I feel has an obligation to say, “we have a public interest or primary governmental interest as to why we don’t want to change the zoning and also they have to answer the question of, this is the least restrictive way of fulfilling that governmental interest.” “I no in fact, as Mr. Jaros would tell you, the first night of this hearing I responded just like you supervisors are and I said this is purely a rezoning petition, we don’t have to consider anything about what is going in there.” “And I rethought that position after reading all these cases and reading the statute again and so that’s why I recommended it to the Town Board that they disassemble and conduct a reconsideration at which time a much more evidence was elicited about what the use was going to be and I felt that was the obligation of the Town to give a full hearing to find out what they were going to do because if the Town is going to say that they have important governmental interest to protect, then they have to have more of a concrete factual scenario to deal with other then just with simply convert from classification one to classification five.” “And so I’m just telling you all this so that you understand the reason why the Town did what they did and the advice I gave them in that regard.”

Mr. Greschner, “So, Greg, I’m still unclear, where is the Woodboro Town Board at this point in time on this issue?”

Mr. Harrold, "I would say that they are in the midst of trying to decide."

Mr. Greschner, "OK."

Mr. Harrold, "They made a no decision, but they are reconsidering and then they will reconvene after today."

Mr. Greschner, "Thank you."

Mr. Heath, "Are you (Mr. Harrold) be able to indicate at this time on behalf of the Woodboro Town Board how much time they need to decide whether they are going to have another meeting?"

Mr. Harrold, "Well, I think that they, I don't know, I can't answer that, but I think that they will be able to convene on this relatively promptly and I believe that they will be satisfied with maybe that they have gotten all the information after what they have heard today and what they have heard prior." "But I can't speak for them and no additional date has been set."

Mr. Heath, "All right, because if we're going to allow for additional input as a result of the Town's decision to reconsider, then that's going to require an adjournment of this hearing and we need to be able to advise Mr. Jaros and the public of that and not be unreasonable about it."

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Kyle Johnson – 7551 Highway West – "I own thirty acres just to the South of the Jaros property." "I guess the first time I heard about this was from my sister Jeannie, when she was Chairman for the Town of Woodboro and she asked me what my opinion was and I blankly said in my opinion was better then a subdivision." "In hearing other peoples' opinions it has made me think." "Yes, that would be a lot of people to put on a small piece of property." "Compared to the Crescent Lake, I talked to an employee of the Crescent Lake Bible Camp a few week ago concerning this issue and he gave me some history of the Crescent Lake Bible Camp and I know the people who live next door to it." "Pointing out the fact that there is that many people on a smaller piece of land, I guess has made me think about it." "I guess I'm saying that I am in the middle of the road." "My first concern was trespassing, would there be people wandering over to my property and I guess at that time it would have to be addressed whether a fence would have to be put up or signs."

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Attorney Larry Wiesneske, "Mr. Chairman, I don't want to be redundant with the comments that Mr. Jaros has already made and I think he adequately covered the main points that he wanted to cover." "I did notice from the prior rezone petition that was heard today that the ten points in the ordinance were addressed by somebody on your staff." "I believe our petition addresses those ten points and how those are favorably met by the petition and I'm prepare to do that now." "I'm wondering if there is going to be an opportunity to actually go over those ten points at this hearing, it's kind of late in the day now, but how does that all get considered and what's your protocol here?"

Chair Metropulos, "And I might add, I don't know if I'm going to be out of order for saying this, but I think there is going to be a continuous of this hearing." "Am I correct in saying that -----?"

Mr. Jennrich, "Staff is not in position to make a recommendation."

Mr. Greschner, "We need to get through the public hearing and then bring it back to the committee."

Atty. Larry Wiesneske, "Well, I'm prepared to get into those ten points right now if you want to get into that, but I want the opportunity to do that at a later point if you're going to cut me off now."

Mr. Heath, "He has, they have the responsibility of putting in their case or reasons for their rezone." "If you (Mr. Wiesneske) want to address those ten points and Mr. Jaros or others haven't already, then go ahead." "If he has and you are going to be redundant, then you said you didn't want to do that."

Mr. Wiesneske, "I don't think we really got into the ten points here, I think he (Mr. Jaros) eluded to the Federal statutes and I think he explained adequately the uses, but I don't think he specifically addressed the ten points that are raised in your ordinance or that were raised in the petition." "Like I said, we can do this at a later time if you're going to adjourn or we can do it now."

Chair Metropulos, "What do you recommend Larry?"

Mr. Heath, "That they do it now."

Mr. Wiesneske, "The first one is:

"Whether the petition is in accordance with the purpose of the ordinance and I'm assuming ordinance that he is referring to is the General Shoreland Zoning Ordinance – 9.11 and the petition doesn't get into those factors very well and I'd like to supplement what is in the petition." "And I believe that it does comply with the purpose of the ordinance." "The petition describes how the proposed use fits-----." "I'm sorry, it would be consistent with an orderly development of the land, it is consistent with the neighboring uses, swimming, camping, hiking all seem to be uses consistent with the neighboring area."

"We believe that there would not be an adverse impact on property values as opposed to the potential use and development that could be made under current zoning classification." "We think it would have less of an impact on property values."

"It would definitely promote educational and recreational facilities, which is one of the factors that is in the purposes section of 9.11." "If fact, I guess I'm surprised that the Town would in their use plan for the entire town would totally outlaw recreational uses when one of the purposes of the zoning ordinance, the shoreland zoning ordinances promote education and recreation." "I think that's contrary and in fact, I believe there is case law that say that a municipality cannot totally outlaw a particular use by it's zoning classification." "And I think there's even an Oneida County case involving mobile homes where that was the result of that decision." "So I think the committee should look at, is it reasonable to completely outlaw a particular type of use in the entire Town of Woodboro." "That doesn't seem reasonable to me."

"It would not have an impact, an adverse impact on environment." "Again, swimming, camping and hiking seem to be very low impact types of activities that would be promoted here and it would be consistent with the natural beauty of the area."

"One of the last factors in that general purpose Section 9.11 is to promote healthy surroundings for family life." "I can't think of any better use more suited to that then a bible camp."

"The next factor, number 2, "Whether the change is consistent with land use plans of the County, affected Town and adjacent Towns." "I think Mr. Jaros has adequately covered that one."

Three – "Whether the conditions have changed in the area to justify the change proposed in the petition." "I think Mr. Jaros's petition points out that that area has gone in the last fifty years for being sparsely developed to being developed all the way around Squash Lake basically with residential units, every one hundred feet there's a cottage." "It's become heavily developed,

heavily populated area and we think this would be consistent with the general population that it's moved into the Squash Lake area." "There's a lot more people living there then there use to be and the people that have spoke today have pointed out how the boat traffic and all the other traffic has increased, therefore, we're not looking at a wilderness area anymore." "We're looking as an area that's populated." "So we think this change would be consistent with the changes that occurred in this area."

Number 4 – "Whether the change would be in the public interest." "Once again, I think that the petition proposes a use that would promote religious instruction and foster good citizenship and also increase employment opportunities in the area." "Those are all in the public interest."

Number 5 – "Whether the character of the area or neighborhood would be adversely affected by the change." "I don't think Mr. Jaros quite adequately pointed out in his presentation that the area where this proposed lodge would be, would be pretty much hidden from view from the neighbors to the North that have the farmland by a large hillier area." "And the fact is that there be a buffer at least a two hundred buffer to the cottages to the South." "On the other side of the property on the lake, I need to point out, this is kind of a human factor." "The cottage right next to the proposed development is the cottage owned by the Jaros family." "If there's going to be any obnoxious noises, the Jaros's family are going to be right next door to that." "They (Jaros family) will be more directly impacted then some of these other people here."

Number 6 – "Whether the use is permitted by the change would be appropriate in the area." "Well again, camping, swimming, hiking, those seem to be the type of uses that are appropriate to an area which consists of forestland and lakes."

Number 7 – "Whether the Town Board approves the change." "Again, that's kind of in limbo, so we'll have to skip over that one."

Number 8 – "The size of the property, I think Mr. Jaros has adequately described the property."

Number 9 – "Whether the area to be rezoned or defined by recognizable definable boundaries." "On the one side we have a state highway and on the other side we have a lakeshore." "The other two sides are properly defined by surveys that Mr. Jaros has had done."

Number 10 – "The position of the affected landowners." "Well we already have heard from them."

"That's all I have to say."

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Karen Bednar – Town of Woodboro – "My husband and I have owned property on Squash Lake for thirty years." "We're on Lake Rest Road and we've only recently been able to develop it." "I would like the commission to remember that there are no large facilities on Squash Lake and we would like to keep it that way."

Guy Hansen – County Board Supervisor and represents the Town of Woodboro also – "I think the main point here is that although the reason for the zoning change request, it's certainly admirable and I do believe that the Jaros's are very sincere in how they want to develop the land as they described it." "The issue is the zoning change, the Town of Woodboro has a land use plan which was developed approximately ten years ago based on the desires of the people of the town." "The zoning change goes against the past intent and the present desire of the people in the Town of Woodboro." "There have been several meetings with both the Town Board of Woodboro and

the Planning Commission of the Town of Woodboro have thoroughly considered this and have made the recommendation against the zoning change, I believe.” “I ask that the P & Z Committee consider that and honor that.”

Mike Juel – Crescent Lake Bible Camp – 2991 County Road N – “One thing which has not been discussed here at all is what happens to the youth that comes to these camps.” “We have not put before the commission that a lot of lives get changed because of the ministry that goes on at a bible camp and we teach the bible, we teach the word of God and that changes lives.” “No one is addressing that at all and if the bible camp does not happen-----.”

Chair Metropulos, “I hate to interrupt you, but this is a zoning issue and what you are saying should not be addresses at this time.” “I apologize.”

Chair Metropulos asked if anyone wished to speak for or against Rezone Petition #32-2005.

Mr. Randy Jaros, “Isn’t that Number 10 or your ordinance?”

Mr. Greschner, “Yes, but when we get to a conditional use permit on the facility and what type of activities will be there.” “This is strictly a rezone.”

Mr. Karl Jennrich, “Whether the change from single family to recreational zoning district be in the public interest.” “Again, what the point is, is that recreational zoning district allows a multitude of uses besides bible camps.”

Mr. Randy Jaros, “I understand that and as I mentioned earlier, we’re more then willing to try and have the County restrict that in some way, work with us in the restrictive covenant.” “But the fact of the matter is, we are not allowed to operate a bible camp that is in the public interest under the current residential zoning.” “It does require either recreational or general use.” “Now if you choose to alter that in some fashion, we’d be open to that, but his point is very much in play because that is what is required for us to operate a bible camp in the public interest.”

Mr. Greschner, “Anything can go in there, we’re not focusing on a bible camp.”

Mr. Heath, “We don’t need to get into a argument and the points that Mr. Juel brought up, I think, were actually addressed by both of the Jaros’s before.”

Michael Barnes – Town of Woodboro Supervisor – “There’s been some talk from the committee about a conditional use permit and Steve O. I ask you, if this would rezone to recreational and if the had a single structure camp they would not even need a conditional use permit, is that correct or not?”

Mr. Steve Osterman, “No, they would need a conditional use permit.”

Chair Metropulos, “Mr. Heath, would it be appropriate to close the public hearing?”

Mr. Heath, “Let’s just have a little discussion on that.” “I would suggest that you consider closing the oral, spoken input, you’ve offered everyone the chance to have that spoken input.” “If you want more time for the staff to consider what information has been provided today, if you have any interest in going out to the site and going out to the neighboring areas then consider that.” “If you do go out to the site and if you’re going to be asking questions of the petitioners, are they going to be allowed to provide additional information?” “If they are, in the form of written responses then the public should have that same opportunity.” “You have to work your way through that right now and decide, and if you’re going to allow some opportunity for the Town to complete their reconsideration, you are going to have to allow that to be done and input from the

Jaros's and if this is going to be done, keep it on a fairly tight calendar timetable." "Those are my suggestions."

5:40 P.M. Chair Metropulos closes the Public Hearing.

Mr. Larry Wiesneske, "I just want it in the record that Mr. Jaros was not given the opportunity to present any rebuttal to the comments that were made by the ones opposed."

Mr. Heath, "In fact, he did make it, he did a rebuttal."

Mr. Randy Jaros, "You allowed the attorney for the Town of Woodboro to clarify positions, but you have not allowed our attorney to do the same thing."

Mr. Holewinski, "I think that we are going to close the discussion for now and also if this Federal Law would or would not pertain to the rezone petition based on what was said." "The way Mr. Jaros said, we should automatically change the rezone because it is a Federal Law."

Mr. Heath, "I will research that."

Mr. Holewinski, "And also, is it unlawful to have the zoning in Woodboro where they do not allow this district or should there have been a district that would allow it."

Mr. Heath, "I will research that."

Mr. Holewinski, "And then I would like to Town to respond as to, if they still to continue to not support the rezone petition, something in writing from them and then at time, when all this information is gathered we can set another meeting date and then open it up for public hearing again and continue."

Chair Metropulos, "Well, do we extend the public hearing to another date?"

Mr. Heath, "I think you need to work through that." "I would suggest that you (P & Z Committee) offer to Mr. Jaros and his counsel to opportunity to, in writing, rebut any comments in opposition that you heard and I think that should be sufficient." "You can and Mr. Jaros is nodding his head yes, so I think that addresses Mr. Wiesneske's concerns."

Mr. Greschner, "And you say, Larry, ending the oral input."

Mr. Heath, "Yes."

Mr. Holewinski, "But extending, so that Mr. Jaros could respond in writing prior to the meeting that we hold so that we can read the information prior or do we have to read it at the meeting?"

Mr. Heath, "When you reconvene you will have this additional information in writing from the Town, from the Jaros's and then you can debate that or discuss that amongst yourselves not in the setting of a public hearing but just in a deliberation setting amongst the committee and staff."

Mr. Holewinski, "So we close the public hearing tonight and reconvene the decision and then debate."

Mr. Heath, "Close the oral spoken portion of it, but keep it open for a time that you want to a date certain when written input can be provided and set the same date for the Town, the public and the Jaros's so we just end it and not have another rebut, rebuttal, rebuttal, rebuttal."

Mr. Greschner, "Let me throw out a couple dates and Karl tell me if they don't jive." "How about oral comment hearing is over, written comments until May 15, 2006 and the committee would reconvene on this matter on Wednesday 31, 2006?"

Mr. Karl Jennrich, "I'll be gone."

Mr. Holewinski, "I'll be gone."

Mr. Heath, "When would you (Mr. Holewinski) be available?"

Mr. Holewinski, "23rd, 24th." "Why don't we set the meeting date for the 24th.of May, 2006?"

Mr. Heath, "When would you be available after you are gone?"

Mr. Holewinski, "The week after that."

Mr. Heath, "We need to drag it to the point where we need to drag it if that's what it takes."

Committee talked about having the meeting on June 7th, 2006. Attorney Greg Harrold cannot make this meeting.

MOTION: (Larry Greschner/Ted Cushing) that the oral portion of this public hearing closes at this point in time, written comments will be accepted until the ending working day of Monday, May 15, 2006 and that the Planning and Zoning Committee will consider this matter at 12:30 P.M. on Wednesday, June 14, 2006. The written comments will include the rebuttal by the Jaros's. Roll Call Vote: Scott Holewinski "aye" Ted Cushing "aye" Larry Greschner "aye" Bob Metropulos "aye", motion carries.

Adjourn

5:50 P.M. There being no further matters to lawfully come before the Committee; a motion was made by Ted Cushing second by Scott Holewinski to adjourn the meeting. All ayes on voice vote, motion carries.

Chairman Bob Metropulos

Karl Jennrich, Zoning Director